City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3016305

Applicant Name: Jodi Patterson-O'Hare, for GID Development

Address of Proposal: 2101 9th Avenue

SUMMARY OF PROPOSAL

Land Use Application to allow a 41-story, 430 unit residential building with 8,284 sq. ft. of retail at grade. Parking for 238 vehicles will be located below grade. Review includes demolition of 17,811 sq. ft. of existing structure.

The following approvals are required:

Design Review pursuant to Chapter 23.41, Seattle Municipal Code, with Departures:

- **Development Standard Departure** to decrease an upper level setback. (SMC 23.49.058.F.2)
- **Development Standard Departure** to exceed a maximum Green Street podium height on Lenora Street. (SMC 23.49.058.F.2)
- **Development Standard Departure** to exceed a maximum Green Street podium height on 9th Avenue. (SMC 23.49.058.F.2)
- **Development Standard Departure** to exceed a maximum canopy height. (SMC 23.49.018.A.4)
- **Development Standard Departure** to vary the minimum depth and continuity of canopies. (SMC 23.49.018.A.1)
- **Development Standard Departure** to not meet the minimum transparency on the 9th Avenue Green Street. (SMC 23.49.056.C.4.a)
- **Development Standard Departure** to exceed the maximum blank façade area on 9th Avenue. (SMC 23.49.056.D.2.c)
- **Development Standard Departure** to exceed the maximum tower width. (SMC 23.49.058.D.2.a)
- **Development Standard Departure** to exceed the maximum setback along Westlake Avenue. (SMC 23.49.056.B.1.b)
- **Development Standard Departure** to not meet the minimum setback landscaping. (SMC 23.49.056.F.3.a)
- **Development Standard Departure** to not meet the minimum building edge landscaping percentage. (SMC 23.49.056.F.4.b)

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

Site:

Site Zone: DMC 240/290-400

Nearby Zones: (North) DMC 240/290-400
(South) DMC 240/290-400
(East) DMC 240/290-400
(West) DMC 240/290-400

Lot Area: 21,420 sq. ft.

Site Development:

The site is currently occupied by a two story commercial structure at 9th and Lenora Street, and a one-story structure at the Westlake corner of the site (2118 Westlake Avenue).

Access:

Pedestrian access from the two adjacent streets of Lenora and 9th Avenue, and the short chamfer at Westlake Avenue. The adjacent alley to the west is discontinuous, and provides vehicle access to only the north portion of the site, from Westlake Avenue.

Surrounding Development and Neighborhood Character:

The mixed use block of 2200 Westlake is to the east across 9th Avenue. The Braille Library and a residential tower under construction are across Lenora Street to the south. A one story triangular commercial structure occupies the adjacent lot to the north, fronting Westlake and 9th Avenues. The existing parking lot across the alley will become a future public park, which contemplates also using the alley area after a pending alley vacation process is completed. The streetcar on Westlake connects this district to South Lake Union and downtown.

Environmentally Critical Areas (ECA's):

None.

I. ANALYSIS – DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: February 18, 2014
DESIGN PRESENTATION

The EDG packet includes materials presented at the EDG meeting, and is available online by entering the project number at this website: http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp. or contacting the Public Resource Center at DPD:

Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
Seattle, WA 98124

Email: PRC@seattle.gov

PUBLIC COMMENT:

During public comment, the following comments, issues and concerns were raised:

- Noted that 9th Avenue is busy and the alley is not continuous, and suggested all vehicle access be from Lenora Street.
- Stated that loading and vehicle access off 9th will impact residents across the street, and suggested access off the alley could be done without compromising the future park. Also requested no exterior trash noises, truck idling or audible alarms on 9th.
- A representative from Seattle Parks & Recreation encouraged the development of a project with activating uses along the park frontage, with no loading or vehicle access there, and confirmed they are jointly sponsoring an alley vacation with the applicants.
- Supported the shape and modulations of the preferred tower.

FINAL RECOMMENDATION MEETING: August 19, 2014
DESIGN PRESENTATION

The Recommendation packet includes materials presented at the EDG meeting, and is available online by entering the project number at this website: http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp. or contacting the Public Resource Center at DPD:

Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
Seattle, WA 98124

Email: PRC@seattle.gov

PUBLIC COMMENT:

During public comment, the following comments, issues and concerns were raised:

- Requested no deviation from Green Street setback or landscaping requirements.
- Stated that loading and vehicle access off 9th will impact residents across the street, and suggested access off the alley could be done without compromising the future park.
- Requested no exterior trash noises, truck idling or back-up alarms be audible on 9th; [Applicant clarified that all loading, trash pick-up and truck back-up will occur inside the revised loading bay, with the street loading door down to contain noises].
- Supported the architectural design and material quality proposed, but still opposed to a 400 foot tower at this location.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members (the Board) provided the following siting and design guidance. The Board identified the following Downtown Design Guidelines of **highest priority for this project**.

The Priority Downtown guidelines are summarized below, while all guidelines remain applicable. For the full text of all guidelines please visit the Design Review website, and: http://www.seattle.gov/dpd/aboutus/whoweare/designreview/designguidelines/default.htm

All page references below are to the Recommendation booklet dated August 19, 2014.

Site Planning & Massing

Responding to the Larger Context

A-1 **Respond to the Physical Environment.** Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site**.**

At the Early Design Guidance Meeting, the Board applauded the complete context analysis and how it informed the three-part form of the preferred tower. The Board was less convinced the podium form was as sensitive, describing it as a blunt and simplistic box to the property lines; the Board agreed that more refinement and an intentional fit to context was needed (also see Board comments under guideline B-2 and departure # 2 and 3).
At the Final Recommendation Meeting, the Board appreciated the studies showing the podium massing in context, and agreed the podium height created a well-composed urban room fronting the future park. The Board also supported the transparency and façade depth shown on all the elevations, and the approximately 20 ft. tall ground floor.

A-2 **Enhance the Skyline.** Design the upper portion of the building to promote visual interest and variety in the downtown skyline.

At the Early Design Guidance Meeting, the Board supported the preferred option C, and the preliminary rooftop design described on page 32/right, including the stepped forms, shared amenity decks, and canopy forms shown. These elements provide residential scale and a more gracious transition to the sky than the blocky forms of the other two options.
At the Final Recommendation Meeting, the Board supported the design refinement of the tower top, and strongly endorsed the trees and rich amenity design shown on page 68. The Board encouraged the large roof 'trellis' to be off-white and a distinctly lighter accent than the predominant gray materials, and to ensure it reflects sunlight and artificial lighting as shown on pages 56 and 70.

Architectural Expression

Relating to the Neighborhood Context

B-1 **Respond to the Neighborhood Context –** Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.

At the Early Design Guidance Meeting, the Board applauded the applicants for providing extensive, true commercial uses on the ground floor, for being sensitive to the future park, and for desiring to activate that park edge with appropriate uses. The Board supported the mailroom being internalized, and requested more careful stepping of forms and pedestrian scale along that edge, as discussed under C-6.

At the Final Recommendation Meeting, the Board supported the tall and generous retail edge to the park, and the open plaza-to-park transition at the residential lobby entry. The Board supported the split faced dark stone proposed at the planter/stair interface with the park, but agreed it is prominent and should be explored as a surface opportunity for contrasting reveals/inlays, lighting and/or a site-specific art work.

B-2 **Create a Transition in Bulk & Scale.** Compose the massing of the building to create a transition to the height, bulk, and scale of development in neighboring or nearby less intensive zones.

At the Early Design Guidance Meeting, the Board discussed while the zoning on all sides matches the site, Westlake and 9th Avenues have distinct street edge scales which the podium should respond to, especially as seen from viewpoints along Westlake, and from Denny and Westlake plaza (pg 36). The Board was not comfortable with the assumption that the podium should be 70- 85 ft. on Westlake, taller than the code maximum 45 ft. along the two Green Streets, or that the podium should have a uniform height (also see departure # 2).
At the Final Recommendation Meeting, the Board supported the consistent podium height with its' reduced height at 137 ft. elevation. The Board supported the large and contiguous amenity deck as shown on page 67, and the 9th Avenue and park edges staying open for human activation (not the perimeter plantings shown on page 47). The Board agreed the north stair tower presents an awkward pop up on that highly visible party wall elevation; it should be lowered to match the adjacent parapet, but the metal panel cladding should maintain some color and pattern variation on that large wall (see condition #1).

B-3 **Reinforce the Positive Urban Form & Architectural Attributes of the Immediate Area .** Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.

At the Early Design Guidance Meeting, the Board agreed the façade facing the future park should be studied and designed in conjunction with the Lenora façade of the 2030 8th project (which the Board commended), to create two complementary and human scaled backdrops defining the park.
At the Final Recommendation Meeting, the Board supported the park facing composition, with comments under B-1.

B-4 **Design a Well-Proportioned & Unified Building.** Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.

At the Early Design Guidance Meeting, the Board supported the lobby location at the southeast corner and its associated plaza engaging the park, and the tall (about 16 ft.) lobby and commercial spaces. The Board was concerned that the tall proportion be maintained and well integrated into the podium at the Lenora corners, as well as along the park/alley frontage (the dis-engaged columns shown on option C, pg 33 appear overly squat).

At the Final Recommendation Meeting, the Board supported the design refinement of all elevations, including the proportions of the podium bays, the interlock of contrasting 'form A' to grade at two locations, and the basic palate of quality materials. To improve the legibility of the 4 forms, and provide additional pedestrian interest and material warmth in the podium, the Board agreed final selection of the podium stone should bias towards a blend with warm rather than cool tones, and visible veining/texture (see condition #2).
To avoid an overwhelming gray/cool palate, the Board also supported warmer soffit materials at the following locations: the southwest residential lobby canopy (visible on page 45 but shown off-white), and at the 9th Avenue commercial recess canopy and pilaster breaks in the canopies, as shown on page 49 (see condition #3).

The Streetscape

Creating the Pedestrian Environment

C-1 **<u>Promote Pedestrian Interaction</u>.** Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.

At the Early Design Guidance Meeting, the Board supported the tall, highly transparent commercial façade portions shown along Lenora, part of 9th, Westlake and the west portion of the alley. Commercial spillover to the southeast entry plaza was mentioned (despite no doors being shown), which the Board supported, and future ground floor drawings should show multiple doors from commercial uses to the plazas and sidewalks, anticipating a range of tenant demisings over the life of the building.
At the Final Recommendation Meeting, the Board supported the lighting scheme shown on page 69, and the storefront composition and the flexibility for diverse storefront door placements, as shown on pages 39-42 and verbally described at the meeting.

C-3 **<u>Provide Active—Not Blank—Facades</u>**. Buildings should not have large blank walls facing the street, especially near sidewalks.

At the Early Design Guidance Meeting, the Board discussed the 9th Avenue façade at length, and agreed the approximate 61% blank façade shown (parking, loading and transformer/utilities) was unacceptable on any street, especially a Green Street. <u>The Board's support for a Green Street access exception is contingent on a superior resolution of the vehicle and service functions and blank wall impacts on this street</u> (also see departure #4).
At the Final Recommendation Meeting, the Board applauded the redesign to eliminate one curb cut and the associated reduction in blank wall. See comments under E-3.

C-5 **<u>Encourage Overhead Weather Protection</u>.** Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.

At the Early Design Guidance Meeting, the Board was encouraged by the canopy strategy shown at the meeting, that was continuous along all street facades (even if raised height in necessary portions), and advised that canopies also wrap the corner at the Westlake and future park façade, as well as along any southwest facing patio near the lobby.

At the Final Recommendation Meeting, the Board supported the canopy design and placements, including the portion fronting onto the future park, even if this must be implemented after all park improvements and legal matters are resolved. Also see departures 4 and 5.

C-6 **Develop the Alley Façade.** To increase pedestrian safety, comfort, and interest, develop portions of the alley façade in response to the unique conditions of the site or project.

At the Early Design Guidance Meeting, the Board strongly supported the intention to engage and activate the future park, and agreed the west 'retail' half shown on pg 51 is much more successful than the blank wall middle portion (also see comments under C-5 and D-1).
At the Final Recommendation Meeting, the Board supported the revised façade design fronting the park.

Public Amenities

Enhancing the Streetscape & Open Space

D-1 **Provide Inviting & Usable Open Space.** Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and solar access from the principal area of the open space should be especially emphasized.

At the Early Design Guidance Meeting, the Board agreed the narrow patio overlook and its blank wall below (shown on pg 51) were not a successful transition to the park, nor a usable, gracious public space, and suggested a stepped plaza and /or a lobby space recessed under the tower. This wall and associated public patio spaces requires careful redesign. The Board strongly supported the relocation of the mailroom off this critical frontage, as mentioned by the applicants.
At the Final Recommendation Meeting, the Board supported the mailroom relocation and the redesign of the lobby façade onto the park, including the 'glass stair' leading up to the leasing mezzanine.

D-3 **Provide Elements that Define the Place.** Provide special elements on the facades, within public open spaces, or on the sidewalk to create a distinct, attractive, and memorable "sense of place" associated with the building.

At the Early Design Guidance Meeting, the Board discussed how the podium roof provides an excellent opportunity for shared amenity spaces that overlook and activate the future park. These spaces also afford an opportunity to enliven this highly visible façade with balconies, vegetation and/or other features beyond a generic podium wall of windows. The Board advised the amenity spaces be lower than shown on pg 30 and/or occur at several levels, and not employ the typical high, solid parapets that discourage eyes-on-the-park engagement.
At the Final Recommendation Meeting, the Board supported the podiums low parapet height and adjacent glass railings on the north wall, as shown on pages 39-42.

Vehicular Access & Parking

Minimizing the Adverse Impacts

E-1 **Minimize Curb Cut Impacts.** Minimize adverse impacts of curb cuts on the safety and comfort of pedestrians.
See E-3.

E-2 **Integrate Parking Facilities.** Minimize the visual impact of parking by integrating parking facilities with surrounding development. Incorporate architectural treatments or suitable landscaping to provide for the safety and comfort of people using the facility as well as those walking by.
See E-3.

E-3 **Minimize the Presence of Service Areas.** Locate service areas for trash dumpsters, loading docks, mechanical equipment, and the like away from the street front where possible. Screen from view those elements which for programmatic reasons cannot be located away from the street front.

At the Early Design Guidance Meeting, the Board grouped these three guidelines (E-1, E-2, E-3) and stated they all concern an integrated approach and detailed handling of the proposed parking ramp, loading and service functions along 9th, a designated Green Street.
Although vehicle access is typically prohibited on Green Streets, the Board agreed the desire for a park frontage without vehicle access and portals outweighed this, as long as every effort is made to reduce the physical presence and impacts of parking, loading and other service functions on the pedestrian and landscape continuity of the 9th Avenue Green Street (the Board did not support access off Lenora Street).
The Board was not convinced this has been thoroughly done to date, and required the following complete and detailed studies be presented at the next meeting (also see Departures #3, 4 and 5 discussion):

1) Relocate transformer and minimize blank wall; any required ventilation can be a transom above a more transparent ground level. Better conceal meters and other utilitarian components.
2) Reduce the 33 ft. loading zone width and/or consolidate the loading access point with the parking portal (Note: residential loading is not code required, and only if commercial exceeds 10,000 gsf); provide detailed ramp studies of how consolidation could work, even if increasing ramp slope more than 20% shown.
3) Bike storage door/frontage: while supporting the direct access off the sidewalk, make this door and adjacent exit door (if required) read as a transparent storefront, rather than solid doors in a blank wall.

At the Final Recommendation Meeting, the Board applauded the applicants for eliminating one of two curb cuts, for reducing ground level blank wall along 9th Avenue, and for maximizing glass doors and pedestrian scale on the ground level frontage. The Board agreed the 9th Avenue ground level elevation (page 41) presents a cohesive composition that integrates service functions, and a high quality pedestrian experience. Also see comments about the proposed gas meter screen doors under Departure #7.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) will be based upon the departure's potential to help the **project better meet these design guideline priorities** and achieve a better overall design than could be achieved without the departure(s). The Board's recommendation will be reserved until the final Board meeting.

At the time of the Final Recommendation meeting, the following departures were requested:

1. **Upper Level Setbacks (tower) (SMC 23.49.058.F.2):** The Code requires a continuous 15 ft. setback above 45 ft. on the entire frontage of the two green streets. The applicant proposes a continuous setback of at least 15 ft. along Lenora, and one encroachment along 9th Avenue: a 3ft.-9 in. encroachment into the 15 ft. setback, for a 50 ft. length at the middle of the 116 ft. wide tower.

   The Board commented this modest encroachment does not impact light or air to the green street, especially as it is not at a corner and it adds modulation to the tower, thus creating an overall design better than a code compliant flat tower wall. (A-2, B-4)

   The Board unanimously recommended that DPD grant this departure.

2. **Upper Level Setbacks (Lenora Street podium) (SMC 23.49.058.F.2):** The Code requires a continuous 15 ft. setback above 45 ft. on the entire frontage of the two green streets. The applicant proposes a podium height that exceeds 45 ft. on the Lenora Green Street; 47 ft.-7 in. tall at the property corner at Lenora and 9th, and 50 ft.-5 in. at the tallest point along Lenora.

   The Board agreed the continuous and level podium cap, rather than a stepped form, is in scale with the context and the slightly taller portion has no significant impact on Green Street light and air. The podium design is overall a lower mass and creates a more cohesive overall design. (A-1, B-1, B-3)

   The Board unanimously recommended that DPD grant this departure.

3. **Upper Level Setbacks (9th Avenue podium) (SMC 23.49.058.F.2):** The Code requires a continuous 15 ft. setback above 45 ft. on the entire frontage of the two green streets. The applicant proposes a podium height that exceeds 45 ft. on the 9th Avenue Green Street; 47 ft.-7 in. tall at the property corner at Lenora and 9th, and 58 ft.-6 in. at the tallest point (elevation 137 ft.) along 9th Avenue.

   The Board agreed the continuous and level podium cap is in scale with the context and tower form. The total podium height being held to 137 ft. elevation, rather than the code compliant 152 ft., is crucial to ensuring sunlight and air to the Green Street. (A-1, B-1, B-3)

   The Board unanimously recommended that DPD grant this departure.

4. **Overhead Canopy Height (9th Avenue) (SMC 23.49.018.A.4):** The Code requires a maximum canopy height of 15 ft., but canopies are not required over loading or parking driveways. The applicant voluntarily proposes to place a canopy over the loading/parking driveway, at a height of 17 ft.-6 in.

   The Board agreed the canopy continuity is valuable for pedestrian protection and architectural unity, and creates a better overall design. (C-5, E-3)

   The Board unanimously recommended that DPD grant this departure.

5. **Overhead Weather Protection (SMC 23.49.018.A.1):** The Code requires continuous weather protection, 8 ft. minimum depth, along the entire street frontage of a lot, as long as the façade is within 5 ft. of the property line. The applicant proposes a continuous canopy along 9th and Lenora, except for four 4 ft. wide gaps that align with building pilasters. At Westlake Avenue, the applicant proposes an 8 ft. deep canopy aligned with the building notch and doors (even though it is deeper than 5 ft. from property line), plus a voluntary 71 ft. long by 8 ft. deep canopy facing the proposed park adjacent.

   The Board agreed the four gaps were short and reinforced important architectural continuity to grade. The Board applauded the voluntary canopy facing the park, and supported the more integrated canopy design at the building notch. (B-4, C-5)

   The Board unanimously recommended that DPD grant this departure.

6. **Street Level Transparency (SMC 23.49.056.C.4.a):** The Code requires the street level on designated Green Streets to be a minimum of 60% transparent. The applicant proposes a compliant façade along Lenora, but 53.8% transparent along 9th Avenue.

   The Board agreed the width and continuity of the pilasters continuing to grade reinforces the architectural concept, and the proposed art screen provides equivalent pedestrian interest and a width that equates to the 'missing' 6.2%. (C-1, C-3, D-6)

   The Board unanimously recommended that DPD grant this departure.

7. **Blank Facades (SMC 23.49.056.D.2.c):** The Code requires the total width of street level blank façade segments to not exceed 40% of each street facing facade. The applicant proposes a compliant façade along Lenora, but 46.2% is blank along 9th Avenue, including one 11 ft. wide section that is a proposed art gate concealing code-required gas meters.

   The Board supported the proposed art screen as an activating surface, as it provides equivalent pedestrian interest and a width that equates to the 'excessive' 6.2%. The Board encouraged this gate pattern to be legible and contrasting for pedestrians. (C-1, C-3)

   The Board unanimously recommended that DPD grant this departure.

8. **Tower Width (SMC 23.49.058.D.2.a):** The Code requires the maximum façade width of buildings above 85 ft., parallel to avenues, to be 120 ft. The applicant proposes the officially measured width along 9th Avenue to be 121 ft.-5 in., but this is to one projecting angular point; the visible wall elevation along 9th Avenue is 116 ft.-4 in.

   The Board supported the fact that the perceived wall along 9th Avenue is 116 ft.-5 in., thus less than 120 ft., and the angular point located at the middle of the site does not impact any street wall, and will have no appreciable impact on decreasing light or increasing bulk. The Board agreed the point is a valuable feature that reinforces an overall better tower design. (B-2, B-4)

   The Board unanimously recommended that DPD grant this departure.

9. **Façade Setback Limits (Westlake Avenue) (SMC 23.49.056.B.1.b):** The Code requires any setback along Westlake Avenue to be 10 ft. maximum depth, and to not exceed 40% of the façade area between 15 ft. and 35 ft. above grade. The applicant proposes a notch rotated to the Westlake property line that is 81.6% of the designated façade area, and 10 ft.-6 in. deep at the single point of the notch.

   The Board agreed this relatively small V-notch should not be throttled down in the middle height zone to strictly comply, and is visually less recessed than the deep rectangular setback the code is intending to avoid. The V notch creates an entrance zone off busy Westlake, yet maintains a visually strong street wall. (B-4, C-4)

   The Board unanimously recommended that DPD grant this departure.

10. **Landscaping in Setbacks (Lenora Street) (SMC 23.49.056.F.3.a):** The Code requires 20% of any ground area not covered by a structure, of a depth of 10 ft. or more from a street property line, and larger than 200 sq. ft., to be landscaped. The applicant proposes 0% landscaping for the southeast residential entry plaza that meets the criteria, and to add compensating landscaped area in the Lenora curbside planting zone which is about 3.7 times the minimum required there.

    The Board agreed the open pedestrian movement between this plaza and the future park steps was a valuable consideration, and the enhanced curbside planting maintained the Green Street continuity. The Board also supported the special paving pattern/material continuity across the sidewalk to the curb. (D-1, D-3)

    The Board unanimously recommended that DPD grant this departure.

11. **Landscaping in Setbacks (9th Avenue) (SMC 23.49.056.F.4.b):** The Code requires 50% of the required 2 ft. setback along the 9th Avenue building edge, to be landscaped. The applicant proposes 35.7% of the 2 ft. strip be landscaped, and to add compensating landscaped area in the curbside planting zone which is about 4 times the minimum required there.

    The Board agreed the building edge at the corner is better left un-hindered by landscaping, to allow for future permeable commercial doors and street café opportunity at the corner. The extra curbside planting maintains the Green Street continuity. (C-1, D-1, D-2)

    The Board unanimously recommended that DPD grant this departure.

BOARD RECOMMENDATION

The recommendation summarized below was based on the design review booklet dated August 19, 2014, and the materials shown and verbally described by the applicant at the August 19, 2014 Design Recommendation meeting (unless a condition below, the design should not change, especially aspects explicitly noted in the above narrative, which the applicant should carefully read through).

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design and departures, with the following conditions (Guidelines referenced): These conditions should be resolved prior to MUP issuance.

1) **North Podium Stair Box:** The podium stair box on the highly visible north elevation should be lowered to match the adjacent parapet. Explore every code compliant solution possible, including an open stair down into a stair well where the fire door might be located. The metal panel cladding on the north party wall should maintain some color and pattern variation.

2) **Podium Stone Finish**: final selection of the podium stone (similar to those shown to DRB and on pages 43/44) should bias towards a blend with warm rather than cool tones, and visible veining/texture to provide pedestrian visual interest.

3) **Selective Warm Soffit Materials**: Provide warm soffit materials that contrast with the adjacent greys, at the following locations: the southwest residential lobby canopy (visible on page 45 but shown off-white), at the 9th Avenue commercial recess canopy, and at pilaster breaks in the canopies, as shown on page 49.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

a. Reflects inconsistent application of the design review guidelines; or
b. Exceeds the authority of the Design Review Board; or
c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
d. Conflicts with the requirements of state or federal law.

Subject to the recommended conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on August 19, 2014, the Board recommended approval of the project with the following conditions:

1) North Podium Stair Box: The podium stair box on the highly visible north elevation should be lowered to match the adjacent parapet. Explore every code compliant solution possible, including an open stair down into a stair well where the fire door might be located. The metal panel cladding on the north party wall should maintain some color and pattern variation.
2) Podium Stone Finish: final selection of the podium stone (similar to those shown to DRB and on pages 43/44) should bias towards a blend with warm rather than cool tones, and visible veining/texture to provide pedestrian visual interest.
3) Selective Warm Soffit Materials: Provide warm soffit materials that contrast with the adjacent greys, at the following locations: the southwest residential lobby canopy (visible on page 45 but shown off-white), at the 9th Avenue commercial recess canopy, and at pilaster breaks in the canopies, as shown on page 49.

Five members of the Downtown Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Applicant response to Recommended Design Review Conditions:

1) The applicant reduced the north podium stair box. The proposal meets recommended condition #1.

2) The applicant located and specified a warm color podium stone material. The proposal meets recommended condition #2.

3) The applicant specified warm wood soffits at the specified locations. The proposal meets recommended condition #3.

The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

DECISION – DESIGN REVIEW

The Director accepts the Design Review Board's recommendations and CONDITIONALLY APPROVES the proposed design and the requested departures with the conditions summarized at the end of this Decision.

II. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, received date July 01, 2014. The Department of Planning and Development (DPD) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or it's agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

PUBLIC COMMENTS:

The SEPA public comment period for #3016305 ended on July 16, 2014; a few SEPA comments were received.

Short-Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, greenhouse gas, construction traffic and parking impacts, as well as mitigation.

Noise

Noise associated with construction of the buildings could adversely affect surrounding uses in the area, which include residential uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities, in particular the residences existing across the street to the north and to the south. Due to the proximity of the project site to residential uses, the hours of construction noise permitted in Downtown zones, and the number of sites under construction in the immediate vicinity, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts to residential uses near the site. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7:00 A.M. to 6:00 P.M. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9:00 A.M. and 6:00 P.M. Once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection may occur outside these hours.

If the applicant intends to work outside of these days and hours, the applicant will submit **a Construction Noise Mitigation Plan (CNMP)**. This plan will include steps 1) to limit noise decibel levels and duration of noise generating activities, and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD. This CNMP is outlined in SEPA Condition #1 on the last pages of this document.

Air Quality

Construction for this project is expected to add temporarily particulates to the air that will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the nearby residential buildings. This must be included in the **Construction Traffic Management Plan**, required by SEPA condition #2 on the last pages of this document; see discussion under Traffic and Parking below.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. This will assure proper handling and disposal of asbestos, therefore no further mitigation is warranted for this item.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Construction Traffic and Parking

Duration of construction of the structures may last approximately 30 months. During construction, parking demand will increase due to additional demand created by construction personnel and equipment. The existing on-street parking is limited in the Denny Triangle neighborhood, and therefore a large number of vehicles commuting to the site could have adverse impacts on existing on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675 B and M).

The construction of the project will have short term adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. To minimize impacts to proximate short term commercial parking, a **Construction Worker Parking Plan** is required per SEPA Condition #3 on the last pages of this document. The Construction Worker Parking Plan should identify the following, and is subject to approval by DPD:

1. Peak number of construction workers anticipated on site during the duration of construction,
2. Location of nearby public or private parking lots/garages that could be used by construction workers coming to the site,
3. Number of parking spaces per lot,
4. Efforts to reduce the number of construction worker vehicular trips, such as carpooling and transit, and
5. Identify when construction workers may begin parking in the parking levels to be constructed with this development.

Approximately 50,000 cubic yards of soil are expected to be excavated from the project site. The soil removed for the structure will not be reused on the site and will need to be disposed off-site. Excavation and construction materials will require numerous truck trips, in a location constrained by busy streets on all sides.

Considering the volume of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours; large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 4:00 PM. This must be included in the **Construction Traffic Management Plan (CTMP),** and the CTMP is outlined in SEPA Condition #2 on the last pages of this document.

Truck access to and from the site shall be documented in a **Construction Traffic Management Plan**, to be submitted to DPD and SDOT and approved by SDOT prior to the issuance of any demolition, grading or construction permits. This plan shall include: a prohibition on trucks queueing on streets fronting nearby residential buildings, and also shall indicate how pedestrian connections around the site will be maintained during the construction period. The Plan shall also include Construction Haul Routes for expected excavation of soils. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

An existing major loading dock that generates back-in movements by large trucks is opposite the site and west on 9th Avenue. To ensure large truck movements for the project construction create minimal conflicts with the adjacent loading activities, the applicants or contractors shall coordinate with the operators of the loading dock. This coordination is addressed by SEPA Condition #6 on the last pages of this document.

Long –Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

However, greenhouse gas emissions; views from scenic routes; historic resources; height, bulk and scale; traffic and transportation; and parking impacts warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted.

Westlake Avenue Scenic Route

The corner of the site is adjacent to the SEPA designated Scenic Route of Westlake Avenue, but the proposed buildings will not block public views from that route of any of the SEPA designated features. No further mitigation is warranted.

Historic Resources

The project proposes to demolish two structures more than 50 years old, the Lenora Building at 2101 9th Avenue, and the building at 2118 Westlake Avenue. On July 17, 2013 the Landmarks Preservation Board (LPB) reviewed the existing structure at 2101 9th Avenue, and denied the designation of the building as an historic landmark (LPB letter 440/13 dated July 18, 2013). The structure at 2118 Westlake Avenue was evaluated by LPB staff and determined not eleigible and that no landmark nomination would be required (LPB letter 578/13 dated September 03, 2013). No further mitigation is warranted.

Height, Bulk & Scale

The project #3016305 went through a Design Review process which addressed the issue of Height, Bulk & Scale; see the above Design Review Analysis for details of the process and design changes.

Pursuant to SEPA Policy 25.05.675.G.2.c: Height, Bulk and Scale, "the Citywide Design Guidelines (and any Council-approved, neighborhood Design Guidelines) are intended to mitigate the same adverse height, bulk and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review process is presumed to comply with the height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk and scale policies that have undergone design review shall comply with the design guidelines applicable to the project."

Additional SEPA Mitigation of height, bulk and scale is not warranted.

Transportation

A transportation impact analysis dated May, 2014 (and a correction dated September 5, 2014), was prepared for the project by Transpo Group. Based on rates from the Institute of Transporation Engineers (ITE) Trip Generation manual the analysis reports the proposed uses will generate 1,110 net new weekday daily trips, and 85 AM peak-hour trips and 103 PM peak-hour trips. These forecasts are adjusted to reflect local conditions, which provide substantial opportunities for transit, walking, and bicycle usage.

Transpo analyzed the project loading and parking access location midblock on 9th Avenue, and found that driveway would operate at an acceptable level of service during the weekday PM peak-hour, and not create excessive backups on 9th Avenue. This location is operationally better than off Lenora Street where pedestrian and vehicle queing conflicts would be greater, or off Westlake where pedestrian, vehicle and streetcar volumes are significant and expected to increase dramatically.

Transpo also analyzed Transportation Concurrency per the City of Seattle, and the traffic generated by the project does not exceed the stipulated thresholds. The vehicle traffic that the project is forecast to generate is within the capacity of the nearby roadway system, and the project is not expected to have substantial adverse transportation impacts.

The project will also mitigate traffic impacts by participating in the City of Seattle SDOT Active Traffic Management project for the Denny Way corridor, as described in TIP 243. Pursuant to that mitigation payment system, the project proposes to pay a pro rata contribution of $3,044.83 in order to help reduce project transportation impacts. Per condition #4, this fee shall be paid prior to the final building permit issuance, consistent with DPD business rules.

Parking

The project's traffic consultant, Transpo Group, estimated that the peak parking demand rate for residential uses for this project would be approximately 230 vehicles. The commercial uses are estimated to generate 3 spaces demand. The total parking demand is therefore 233 spaces; the proposed 238 total spaces will accommodate this peak demand. No adverse parking impacts are anticipated from this project, and no authority is provided to mitigate parking impacts in Downtown zones, per SMC 25.05.675.M.

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans which were outcomes of the Design Review process; reviewed additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist and this analysis, this action will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant, given the conditions and mitigations contained herein.

DECISION - STATE ENVIRONMENTAL POLICY ACT (SEPA)

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Demolition, Grading, or Building Permit

1. If the applicant intends to work outside of the limits of the hours of construction described in condition #5, a **Construction Noise Management Plan** shall be required, subject to review and approval by DPD, and prior to a demolition, grading, or building permit, whichever is issued first. The Plan shall include proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

2. The applicant shall provide DPD with a copy of a **Construction Traffic Management Plan**, including **Construction Haul Routes**, both aspects approved by Seattle Department of Transportation.

3. The applicant shall provide DPD with a **Construction Worker Parking Plan**, including: peak number of construction workers anticipated on site; identified off-street parking lots in the vicinity, with number of daily spaces available for public use; transit route and schedule information and encouragement to use transit whenever possible; efforts to encourage carpooling; and a schedule of when construction workers may park within the garage to be constructed with this development. This shall be provided to the Land Use Planner for review and approval (Garry Papers, (206) 684-0916, garry.papers@seattle.gov).

Prior to Issuance of a Final Architectural Building Permit:

4. The applicant shall make a pro rata mitigation payment pursuant to TIP 243 in the amount of $3,044.83 to the City of Seattle.

During Construction

5. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition #3.

6. The applicant or their contractor will coordinate with the operators of the loading dock on the opposite side of 9th Avenue to ensure large truck movements are organized and scheduled to minimize conflicts and congestion, and trucks do not obstruct 9th Avenue for excessive time periods.

DESIGN REVIEW - CONDITIONS OF APPROVAL

For the Life of the Project

7. Materials and colors shall be consistent with those presented at the design recommendation meeting and the Master Use Plan sets. Any change to materials or colors **shall require prior approval by the Land Use Planner** (Garry Papers 206-684-0916 or garry.papers@seattle.gov).

Prior to Certificate of Occupancy

8. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the Master Use Plan sets. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Garry Papers 206-684-0916 or garry.papers@seattle.gov).

9. The applicant shall provide a Landscape Checklist from Director's Rule 10-2011 indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit **shall be approved by the Land Use Planner prior to landscape installation** (Garry Papers 206-684-0916 or garry.papers@seattle.gov).

Signature: (signature on file) Date: March 2, 2015

Garry Papers
Senior Land Use Planner
Department of Planning and Development

GP:rgc
K:\Decisions-Signed\3016305.docx

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.